

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL BRIAN MUSK,)
Plaintiff,) CASE NO. C13-CV-1965-RAJ-JLW
v.)
CAROLYN W. COLVIN, Acting) ORDER REVERSING
Commissioner of Social Security,) COMMISSIONER AND REMANDING
Defendant.) FOR FURTHER PROCEEDINGS

The Court has reviewed the entire record, including the Administrative Record, the memoranda of the parties, and the Report and Recommendation (“R&R”) of United States Magistrate Judge John L. Weinberg. The court, noting that no one objected to the R&R, orders as follows:

- (1) The Court adopts the R&R (Dkt. # 23) and REVERSES the decision of the Commissioner.
 - (2) The Court REMANDS for further proceedings consistent with the R&R.
 - (A) The ALJ should credit the previously rejected medical and lay witness evidence, as set forth in the R&R, and incorporate the opinions into a new RFC.

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- 01 (B) After establishing an RFC that accurately reflects the Plaintiff's
02 capacity, the ALJ should solicit testimony from a Vocational Expert as
03 to Plaintiff's employability.
04 (C) Finally, should the ALJ determine that Plaintiff is disabled, evidence of
05 alcohol use requires further evaluation under *Bustamante v. Massanari*,
06 262 F.3d 949 (9th Cir. 2001).

07 The clerk shall enter judgment for Plaintiff and ensure that Judge Weinberg receives
08 notice of this order.

09 DATED this 16th day of October, 2014.

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12 The Honorable Richard A. Jones
13 United States District Court Judge